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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,631	03/16/2004	Melissa Schneider	35041/400400	2630
27717	7590	09/05/2007		
SEYFARTH SHAW LLP			EXAMINER	
131 S. DEARBORN ST., SUITE2400			GOODCHILD, WILLIAM J	
CHICAGO, IL 60603-5803				
			ART UNIT	PAPER NUMBER
			2145	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/708,631	SCHNEIDER ET AL.	
	Examiner	Art Unit	
	William J. Goodchild	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/07/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bellare et al., (hereinafter Bellare), (US Publication No. 2002/0069261).

Regarding claim 20, Bellare teaches determining if the web browser has cookies enables [Bellare, paragraph 20]; determining a language of the web browser [Bellare, paragraphs 8 and 24]; determining an amount of time that the Internet user spends on the advertiser web site [Bellare, paragraph 24]; and determining a total amount of times that the affiliate web site causes the transmission of the advertiser web site to the Internet user [Bellare, paragraph 24].

Regarding claim 21, Bellare further discloses determining if the Internet user causes a mouse operably coupled to the Internet user web browser to move [Bellare, paragraph 27].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunham et al., (hereinafter Dunham), (US Publication No. 2003/0216930) and further in view of Kirsch, (U Publication No. 2005/0080856)

Regarding claim 1, Dunham teaches providing a first web site database having a list of first web sites likely to send bad traffic [Dunham, paragraph 50]; providing a hypertext link to the second web site on the first web site [Dunham, paragraph 35]; after an Internet user having a web browser clicks on the link transferring the Internet user to an intermediate web site that gathers information from the Internet user web browser [Dunham, paragraph 35, lines 20-22].

Dunham does not specifically disclose determining if a validation request is required. However, Kirsch discloses sending a challenge [Kirsch, paragraph 78, lines 9-12]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a challenge to verify that a human user is requesting the advertiser link, in order to provide a verification that the user is human.

Art Unit: 2145

Regarding claim 2, Dunham-Kirsch further disclose the first web site is an affiliate web site [Dunham, paragraph 29 and figure 1, item 16].

Regarding claim 3, Dunham-Kirsch further disclose the second web site is an advertiser web site [Dunham, paragraph 29 and figure 1, item 14].

Regarding claim 4, Dunham-Kirsch further disclose a first web site capable of displaying a hyper-text link to the second web site includes receiving a key-word search from the Internet user [Dunham, paragraph 35], preparing a result list relevant to the keyword search [Dunham, paragraph 35], and providing at least one hypertext link on the first web site that is relevant to the keyword search [Dunham, paragraph 35].

Regarding claim 5, Dunham-Kirsch further disclose the hypertext link includes an advertisement of the advertiser web site [Dunham, paragraph 35].

Regarding claim 6, Dunham-Kirsch further disclose the intermediate web site includes a redirect page capable of determining if the validation request is required [Kirsch, paragraph 78, lines 1-12].

Regarding claim 7, Dunham-Kirsch further disclose causing the transmission of the second web site to the Internet user if the first web site is not listed in the first web site database [Kirsch, paragraph 78, lines 1-12].

Regarding claim 8, Dunham-Kirsch further disclose compensating the first web site for causing the transmission of the second web site to the Internet user [Dunham, paragraph 18]

Regarding claim 9, Dunham-Kirsch further disclose the step of determining if a validation request is required includes determining if the first web site is listed in the first web site database [Kirsch, paragraph 78].

Regarding claim 10, Dunham-Kirsch further disclose the validation request includes providing a survey form with at least one input for the Internet user to input information [Kirsch, paragraph 5].

Regarding claim 11, Dunham-Kirsch further disclose the validation request includes collecting the input information into a survey database [Kirsch, paragraph 59].

Regarding claim 12, Dunham-Kirsch further disclose the validation request includes analyzing the input information in the survey database to determine if

Art Unit: 2145

the first web site should be listed in the first web site database [Kirsch, paragraphs 5 and 57].

Regarding claim 13, Dunham-Kirsch further disclose causing the transmission of the second web site to the Internet user [Dunham, paragraph 18 and 35].

Regarding claim 14, Dunham-Kirsch further disclose compensating the first web site for causing the transmission of the second web site to the Internet user [Dunham, paragraph 18].

Regarding claim 15, Dunham-Kirsch further disclose the step of determining if a validation request is required includes randomly causing the validation request [Dunham, paragraph 78, random sample].

Regarding claim 16, Dunham-Kirsch further disclose the validation request includes providing a survey form with at least one input for the Internet user to input information [Kirsch, paragraph 5].

Regarding claim 17, Dunham-Kirsch further disclose the validation request includes collecting the input information into a survey database [Kirsch, paragraph 59].

Art Unit: 2145

Regarding claim 18, Dunham-Kirsch further disclose causing the transmission of the second web site to the Internet user [Dunham, paragraph 18 and 35].

Regarding claim 19, Dunham-Kirsch further disclose compensating the first web site for causing the transmission of the second web site to the Internet user [Dunham, paragraph 18].

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellare et al., (hereinafter Bellare), (US Publication No. 2002/0069261) as applied to claim 20 above, and further in view of Landesmann, (US Publication No. 2002/0052782).

Regarding claim 22, Bellare does not specifically disclose determining if the Internet user receives an incentive from the affiliate web site for clicking on the advertiser link. However, Landesmann, discloses a payment for clicking on a link [Landesmann, paragraph 294]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determining if the Internet user is receiving payment in order to determine the quality of click-through to the advertiser web site.

6. Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellare et al., (hereinafter Bellare), (US Publication No. 2002/0069261), and further in view of Dunham et al., (hereinafter Dunham), (US Publication No. 2003/0216930).

Regarding claim 23, Bellare teaches determining an amount of time that the Internet user spends on the advertiser web site [Bellare, paragraph 24].

Bellare does not specifically disclose determining if the advertiser web site is relevant to the keyword search. However, Dunham, in the same field of endeavor, discloses the user reviewing the search listings [Dunham, paragraph 35]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate determining if the advertiser's web site is relevant to the keyword search in order to ensure that valid advertisements are provided to the user.

Regarding claim 24, Bellare-Dunham further disclose determining a total amount of times that the affiliate web site causes the transmission of the advertiser web site to the Internet user [Bellare, paragraph 24].

Regarding claim 25, Bellare-Dunham further disclose determining if the Internet user causes a mouse operably coupled to the Internet user web browser to move [Bellare, paragraph 27].

Regarding claim 27, Bellare-Dunham further disclose determining if the web browser has cookies enabled [Bellare, paragraph 20].

Art Unit: 2145

Regarding claim 28, Bellare-Dunham further disclose determining a language of the web browser [Bellare, paragraphs 8 and 24].

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellare et al., (hereinafter Bellare), (US Publication No. 2002/0069261) and Dunham et al., (hereinafter Dunham), (US Publication No. 2003/0216930) as applied to claim 23 above, and further in view of Landesmann, (US Publication No. 2002/0052782).

Regarding claim 26, Bellare-Dunham do not specifically disclose determining if the Internet user receives an incentive from the affiliate web site for clicking on the advertiser link. However, Landesmann discloses a payment for clicking on a link [Landesmann, paragraph 294]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determining if the Internet user is receiving payment in order to determine the quality of click-through to the advertiser web site.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Goodchild whose telephone number is (571)

Art Unit: 2145

270-1589. The examiner can normally be reached on Monday - Friday / 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
08/29/2007



JASON CARDONE
SUPERVISORY PATENT EXAMINER